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ABSTRACT

This seminar report describes debates that centered around three civic educational themes of identity/citizenship, civics and school life, and the study of the European Convention on Human Rights along with ideas presented at the opening of the seminar and general conclusions at the end. The discussion of civic education led to a range of solutions that included 13 human rights propositions to form the basis of civic education. The first section detailed identity and citizenship as the two key concepts of civic education. The concepts covered three types of meanings: (1) that which is imposed and attributed; (2) that which is built up; and (3) that which can be changed. The seminar focused on school life and dealt with the development of democratic attitudes, learning the rules of community life, and training strategies for teachers. The European Convention on Human Rights as a resource was emphasized. Teaching approaches describe rewriting the text, an explanation of the words, expressions, and paragraphs, illustrations, applications, and schematization. A figure illustrates how human rights institutions work. Examples and worksheet activities provide classroom ideas. The seminar participants expressed a need for more information exchanges, a desire for the European Convention to appear on the secondary school curriculum, and a view of civics as everyone's responsibility. Recommendations from the seminar included teacher training, inclusion of civics in state curriculums, compulsory study of civics in secondary school by member states of the Council of Europe, and translation of the European Convention into all languages of member states. Two appendices contain a questionnaire on perceptions and opinions of civic education and a list of participants. (CK)

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Civic education:

Teaching about society, passing on values

57th Council of Europe Teachers' Seminar
Donaueschingen, Germany, 12-17 October 1992

Report

SO 023 852

Council for Cultural Co-operation
Teacher Bursaries Scheme

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Strasbourg 1993

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Only questions related to national defence are excluded from the Council of Europe's work, and the Organisation has activities in the following areas: democracy, human rights and fundamental freedoms; media and communication; social and economic affairs; education, culture, heritage and sport; youth; health; environment and regional planning; local democracy; and legal co-operation.

The **European Cultural Convention** was opened for signature in 1954. This international treaty is open to European countries that are not members of the Council of Europe, and it enables them to take part in the Organisation's programmes on education, culture, sport and youth. So far, 37 States have acceded to the European Cultural Convention: the Council of Europe's full member states plus Albania, Croatia, the Holy See, Latvia, Romania, Russia.

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- the promotion of an awareness of European identity;
- the search for common responses to the great challenges facing European society.

The CDCC's education programme covers school, higher and adult education, as well as educational research. At present, its main priorities are projects on: the European dimension of secondary education; university co-operation; adult education and social change; modern languages; and the pooling of the results of educational research.

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COUNCIL FOR CULTURAL CO-OPERATION

Teacher Bursaries Scheme

57th European Teachers' Seminar

on

"Civic Education : Teaching about Society, Passing on Values"

Donaueschingen, 12 - 17 October 1992

Report by

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In the Middle Ages, a common religion was the basis of European unity. In modern times, it gave way to culture (cultural creation) which became the embodiment of the supreme values by which Europeans recognised, defined and identified themselves. Today, culture is in turn giving way. But to what and to whom? What will embody the supreme values capable of uniting Europe ?

Milan Kundera, L'art du roman
Gallimard, 1986

Societies have always endeavoured to hand down to succeeding generations the knowledge, know-how, attitudes and values which enable men to live together, influence the world around them, ensure their survival and reproduce. The nature of the rules of individual and collective life and the way they are passed on have been profoundly transformed by the development of educational institutions separate from the family and the group. The idea of the citizen became the essential basis of democratic societies, and the necessity for training in citizenship became apparent. Of course, everybody is a citizen by birth and receives the full range of political rights obtaining in the state in which he or she lives; but, for the democratic society to function and each person to exercise his citizenship fully, civic education is regarded as an important part of the education given at school. At root, therefore, it has an essentially political function.

In the present context of crisis in European societies and their education systems, civic education, or "civics", is re-emerging as a necessity and a ray of hope. But it is not enough to say that it must be given the place it should have in schools. We must measure fully the problems and questions raised by this particularly sensitive, unstable and difficult area of education. Thus we could draw up a long list of questions, from definitions of citizenship and the citizen to those concerning the extremely varied teaching practices which are covered by the term "civic education". The word "citizen", which is generally considered to be a legacy from Antiquity, is not accepted by some perfectly democratic states which employ other terms such as "subject", which in this context has a very different meaning from the one it had under such regimes as absolute monarchies. Furthermore, international agreements - Declarations, Conventions, Pacts - use neither the word "citizen" nor "citizenship": they speak of "person", "individual", "human being", "man" (in the latin sense of homo , which designates the human race) to refer to holders of particular and specific rights, but leave it to national laws to decide on the principles and forms which the political contract should take in each state and the words to express them.

Similarly, the presence of some form of civic education labelled and identifiable as such is far from universal in European education systems. However, under various labels - moral education, political education, moral teaching, family and social teaching - common preoccupations and subject-matters can be identified[1]. This is evidence of the

[1] Having noted this diversity, we will continue to employ the term "civics", but the people who attended the seminar talked about their own experience in their own words.

diversity of traditions and particularly differing attitudes to the place of the school in transmitting the rules of individual and collective life, if not different conceptions of these rules. But, it also shows that there are great similarities.

The most important similarity is that our political systems are based on human rights and a belief in the need for human rights to be taught in schools. Although civics originally became necessary to legitimate and justify the political arrangements of each state, particularly in nation-states, it can no longer be restricted to that. The importance of international co-operation, the increasing mobility of people, ideas and goods, interdependence, must be considered and constant reference made to universal principles. But here again, without going into the details of an extremely complex debate, it must be remembered that the very term "human rights" poses a problem. Its meaning is the subject of debate, but a debate which must be conducted on the basis of a set of principles and certain achievements of which we will later offer a list ... for discussion.

The object of these preliminary remarks is to emphasise the different conceptions we have of political systems and educational institutions. The people who attended the seminar came from various European countries and therefore bore witness to this diversity. This is what enriches the Council of Europe teachers' seminars. The debates, sharing of experience, and the practical and theoretical ideas developed there are imbued by this plurality.

By the term "civic education", we mean all the educational practices and courses whose purpose is the passing on and assimilation of the rules of individual and social life. This necessarily entails the study of contemporary societies, but also those of the past. Civics is also concerned with the individual's relationship with memory, collective memories and the ways they are constructed. Memory is an essential part of identity. All disciplines which study society - history, geography, economics, social sciences, current affairs, social studies, social and family life - are thus concerned with civics and contribute to it in one way or another. But for practical and theoretical reasons, our approach to civics will be more specific: we limit the term to those teaching and educational activities whose explicit objective is learning the rules of individual and social life. Making the rules of life a subject of learning immediately raises the question of values: their definition, choice, ways of transmission. Education always has an ethical dimension. Ethics are also at the heart of human rights. We met in Donaueschingen because the states we come from are members of the Council of Europe and have therefore signed or ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms. This document and the principles and values on which it is based are our common reference and heritage. They also provide the raw material for a definition of European citizenship and identity[2].

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[2] At the CSCE Conference on the Human Dimension held in Copenhagen 5-29 June 1990, the states participating recognised the importance of the Council of Europe's experience in the field of human rights and fundamental freedoms.

Schools exist to transmit skills - knowledge, know-how, attitudes - skills whose shared mastery by the members of a society makes communal life and communication possible. But we should emphasise that, alongside this unifying aspect, whatever choices are made, civics in our societies is first and foremost an education for freedom. Thus it seeks to go beyond mere incantations: it necessarily studies people, looks at their relationships, their ability to manage communal life and to recognise the place and initiatives of every individual. This is one of the reasons why civics is often limited to its official place on the timetable and many people endeavour to see that it does not go beyond it. Often, too often, civics is disturbing: many adults would like to reduce it to the transmission of mandatory principles and standards of personal and social conduct, eliminating all that might be disturbing. Yet, even when it is restricted to predetermined times and programmes, civics often fails to compel recognition. The subject is almost as vast and varied as the problems encountered in social life; it is politically and ideologically charged since it calls into question the choices individuals and groups make in everyday life and the values on which those choices are based.

The transmission and building up of such social skills and knowledge take place in a particular institution with its own objectives and operating rules. It is therefore important to consider all the implications of the process of scholarisation of knowledge. By that, we mean the process by which the school creates its own teaching goals in order to produce a system of instruction. As we have said, it is not easy to define the true subject matter of civics. That is why it is often reduced to something very formal and often very abstract for the young.

Civics is at once a matter of critical knowledge, that is to say reasoned and well-founded, of the rules of social life and a reflection on the role of these rules in school life. Theoretical and practical knowledge are thus indissolubly linked. But the relationship between these two forms of knowledge is far from simple. A connection is possible, organised around a few concepts with a substantial legal dimension (for example, individual rights, equality, justice, liberty, etc). Indeed to base civics on human rights and make its aim a critical knowledge of the rules of social life implies that it will have a substantial legal element. It is not a question of training young people to be legal experts, but rather of enabling them to develop the ability to think about and act on their relationships with others. The legal dimension is not only concerned with knowledge of the great international instruments but also with the everyday life of the school. Both are based on the same moral principles.

ORGANISATION OF THE SEMINAR

Because of the breadth and variety of the questions to be discussed, we decided to devote each day to a particular theme, to open each theme with one or two plenary sessions and follow them by more practical workshops.

The themes chosen were:

- Identity/citizenship,
- Civics and school life,
- Study of the European Convention on Human Rights.

The first theme is of central importance for the Europe of the future and the development of peaceful co-operation between its peoples. The second affirms that civics must walk "on two legs", the building up of knowledge and experience of school life, because the school (ie. all those involved in it), as an institution which sets itself the task of passing on a set of values, must accept that its own functioning will be questioned from the standpoint of the same values. The third theme makes human rights issues the basis of civic education, which thus ceases to be a set of abstract principles and becomes a tool and a weapon through the informed use of the rights existing in each state and through the remedies provided by certain international instruments, of which the European Convention is the best perfected example.

Before presenting the broad lines of the debates that took place around each theme, we will make a few remarks about civic education which combine the ideas put forward at the opening of the seminar and the general conclusions adopted at the end.

CIVIC EDUCATION: URGENCY, PARADOXES, DIVERSITY, BASIS

URGENCY AND IMPORTANCE

There are numerous reasons why civic education should have an established place at every level in schools. Some of them were outlined in the introduction to this report. This chapter adds several of a quite different order which reinforce the urgency and importance of this need.

Civics is an educational bastion against barbarism and totalitarianism. There is no need to discuss the threats facing European societies and the worries expressed by the seminar participants. Our presence was also expressive of our hope to see our democratic societies develop and find their way, with growing respect for the moral and legal principles of human rights. Making them part of the educational process signals our belief that education is an essential vector of this future. But the way is narrow: while some of us criticised our social systems because they engender more and more inequalities and exclusions, others found "nauseating" the invocation of grand principles in whose name they had themselves been denied freedom for decades, if not centuries.

Civics is not simply the study of political institutions, a few major legal texts or experiences of school life. It tries to take into account the great problems our societies are facing today and will face in the future, study them with pupils, that is, understand their complexity and implications and give pupils the means and the desire to act. Without adopting a naive or abstract view of the future, we must teach our pupils about the challenges the future holds; it would probably be useful to seek inspiration in the social sciences as pointers to some of them: growth of social and spatial inequalities and discrimination, particularly in health and employment, imbalances instability in the suburbs of great conurbations, the environment, immigration, the increase in the power of man and science over nature and over man himself, intolerance, concentration of powers, imperfect democracy, information, etc.

To indicate these lines of enquiry is not to define a civics syllabus, but rather to point out some points of departure. The school cannot fulfil its educational mission unless all sections of society, citizens and private and public institutions, support it and are involved in what it does. It is hypocritical, even scandalous, to require schools to respect and teach human rights on the one hand and, on the other, say nothing when those rights are denied or simply ignored elsewhere. While recognising the specific and indispensable role of the school, responsibility for education must be extended to all social institutions. Schools cannot act alone,
much less go against the tide. What, for example, can be done about the paradox opposing a civic education which values solidarity and co-operation and an economic and social life which values the individual, competition and money? What is the place of human rights in the other social institutions: business, public services, the police, hospitals, prisons?

All the people who attended the seminar agreed on the need to broaden civic education to give it a European dimension. This vital issue permeates the whole report. One particular concern must be mentioned here: it would be a serious mistake to reduce this broadening to a mere change of scale; it is not a matter of replacing the study of the political institutions of each country by that of the European institutions. But it is not easy to give operational force to slogans that are in vogue today, such as: know Europe in its diversity, respect European diversity, the wealth of Europe is its diversity. This diversity is difficult to apprehend because it is multiple and dynamic. Space must be given both to the movement for unification, which is present, effective and unobtrusive, very closely connected, for example, to the need to favour the free circulation of goods and services - the merchants' Europe - and to the diversity which does not seek to justify violent confrontations or allow itself to be reduced to a common folk inheritance.

To go back to our worries about growing inequality and discrimination, we suggest a particular view of this diversity according to the degree to which individuals and groups feel attached to the building of Europe. We shall see where all the inhabitants of Europe are on this scale, whatever their origin and nationality, ranging from the "euroexecutives", for whom Europe is something immediate, necessary and natural, (an attitude connected to travel and movement), to the "euro-excluded" for whom Europe represents a threat, a threat to employment and identity, the threat of otherness. What can civics say, construct or offer for these people?

DIFFICULTIES INVOLVED IN CREATING A SYLLABUS

Civics is by no means well established in our schools and its tenuous presence makes it even more difficult to develop a European plan which would inspire all our educational systems. It is for this reason that we should regard the ideas and proposals in this report rather in terms of a syllabus to be designed and applied. We must also examine a number of problems discussed in various contexts during the seminar.

The present trend is towards the diversification of our societies and our schools, often accompanied by increasing autonomy for educational establishments. How can this be reconciled with the need for a civic education for everyone? More generally, how can the egalitarian dimension of the project be reconciled with the inegalitarian aspect of our societies? Civics involves the school in an egalitarian, democratic project, but the school must also perform functions of selection, hierarchical organisation, guidance, etc.

We have mentioned some of the challenges our societies are facing, and which we must therefore train our young people to understand. But these challenges are complex and trying to understand them necessarily leads to debate and opposing views. Schools must choose within this complexity, help to devise answers and facilitate debate. What information and knowledge should be chosen to help pupils develop and devise solutions to the problems of the future?

Civics should be taught throughout the school career. Although the ends and aims pursued are the same at every stage, the abilities to be developed should be geared more

to the age of the pupils. But it is extremely difficult to define a logic for civics and the traditional concentric progression - from the local to the universal - or depending on the supposed difficulty - from the particular to the general - is inadequate.

Rather than passing on fixed skills, civics should seek to foster dynamic abilities such as training in the idea of change. Our pupils are too often ignorant of this reality of European societies. Such an approach would make it possible to work on the idea of agents of change, decision-making and power.

The school is neither the only educational institution nor the only place where education takes place and where the rules of life, knowledge about life in society and values are passed on. There is, of course, the family, whose importance - even primacy - everyone agrees on. But this agreement in principle is questioned as soon as there is any divergence, tension, or even conflict, between school and family. Nor can we ignore the changes represented by a diversification of family models, the result either of the arrival of people with different traditions, or of internal changes such as the increase in one-parent families and families with only one child. There are religious institutions in all educational systems, but the forms they take and the weight they carry differ.

Our inventory must not be limited to these three groups. The peer group and the media also have great influence, particularly by spreading cultural models which often seem to young people the expression of their freedom and autonomy, forgetting that these models are produced and distributed.

Civics has always been torn between the normative transmission of imposed principles and critical training for freedom. The paradox is enormous for, on the one hand, human rights presuppose free acceptance resulting from the exercise of critical reason and therefore cannot be imposed, while on the other, as the foundation of our democratic societies, they are in fact imposed on everyone as the moral and legal norm on the basis of which they think about the community and how conflicts can be resolved.

Finally, civics is not only the transmission of knowledge and values and thinking about them: it also involves the questioning of everyday life, particularly school life, according to the principles stated earlier. But, here too, cultural and school traditions are extremely varied and while in some countries it seems quite natural for teachers to participate closely in this education for school life, in others a role going beyond traditional classroom teaching is less readily accepted.

A CONTRASTING PORTRAIT

The participants at the seminar displayed these differences and tensions. A brief questionnaire distributed on the first day and (reproduced as an appendix to this report) enabled us to build up a sort of contrasting portrait of the group. A variety of points of view were expressed, an altogether legitimate variety which made the debates and the seminar as a whole interesting and rich. We had no desire to iron out the differences expressed but, on the contrary, wished to know about and understand them, at the same

time noting the similarities. Rather than describing in an abstract and general way divergences and differences as to approach, definitions and understanding of the subject of the seminar, we prefer to give a brief summary of the participants' responses, being fully aware of the great scope that leaves for interpretation, particularly as the language we were working in was the mother tongue of only a minority of participants.

Of the possible uses of civics, those most chosen were the training of the critical faculties and the transmission of values, while things to do with national unity or the unity of the country were chosen by few participants or even rejected altogether. This was doubtless the expression of a profound desire to support all attempts to transcend national particularities and self-interest, but we were (unfortunately?) certainly not representative of the majority trends among European teachers. The idea of duties tended to be rejected; that of "good citizens" had a mixed reception; facilitating life in society, preparing for the future, opening up to the international dimension received average acceptance. The reference values were human rights, but paradoxically the idea that civics might aim to impact a number of legal concepts was strongly rejected, as though human rights had a moral, ethical and behavioural connotation rather than a legal one. Some participants said that, by the end of the seminar, they had changed their minds, especially following the work on the European Convention: law and some knowledge of law becoming necessary means of exercising citizenship. Together with legal knowledge, learning about institutions or duties aroused suspicion, as though a trend towards too abstract and too intellectual civics programme was feared both for its subject-matter and for its practical difficulty. Knowledge about the rules of community life, the development of social attitudes and behaviour came in for both support and reservations: awareness of the fine line between forcing ideas on people and the necessary passing on of values is manifest here. As for methods, the priority given to the active approach was confirmed. Learning the rules of democratic debate came first by a long way, as though we had felt the "democratic deficit" so much spoken of in our societies not as a lack of information, but as a lack of debate, which leads to a power deficit, for what is debate if it does not lead to participation in decision-making? Participation in the life of the school and learning to analyse and resolve conflicts reinforces the importance of debate, not abstract debate but debate focusing on the life of the school as a place of democratic participation and leading to the resolution of conflict, because the reality of the school and the exercise of power involve the arbitration of conflicts and negotiation between different interests. Here again we find the paradox mentioned earlier of the dynamic vision of civic education shared by most participants, and the equally widely felt reluctance to choose law as an important part of the syllabus. But conflict, democratic debate and participation in the life of the school rely on an opening up to law and human rights in their legal significance and application both to inform debate and facilitate decision-making. The proposals rejected confirm these interpretations since they include knowledge about the major international texts visiting seats of power, the study of institutional structures etc. Again the mistrust of a formalised, abstract syllabus. But we must emphasise both the importance of formalisation and the building up of knowledge and that the two approaches are complementary.

As for the three key terms of our seminar: civic education, Europe and law, the participants' associations of ideas revealed stark differences of meaning - ideas of unity and diversity surround "Europe", linked to democracy, solidarity, values, peace, liberty, hope, the future; but there is much to be done if this set of values is not to become a hollow slogan, another empty formula, however generous and well-intentioned. Europe is rich in its diversity, certainly, but how can we avoid its being reduced to a few shreds of folklore surviving amidst the general, particularly cultural, standardisation or combining with the indifference of "everything is legitimate including the worst" which we too often see? Europe was also associated with negative ideas such as war and, more frequently, places or institutions, particularly by participants from Western Europe and the European Community. Civic education was primarily associated with three groups of terms: (a) the citizen, citizenship, everything to do with the political system, by some; (b) values, be they specified - respect, tolerance, responsibility - or not, by others; and (c) between these two groups there was a third which seemed to form a link between them and employed such terms as human rights, freedom, equality, duties, etc. Less frequently, civics was also linked to socialisation, concern for pluralism, the importance of a critical spirit, and the individual, the human being. As for the word "law", it was associated with the values and principles of human, individual or children's rights, laws as such, courts and the legal system; but alongside these positive connotations there were expressions of anxiety; the law protects, is linked to security and is therefore a defence, or else it has to combat xenophobia or violence; but it is true that law, in itself, is neither just nor good and its application in daily life gives grounds for some reservations.

A RANGE OF SOLUTIONS

This contrasting portrait should be interpreted and understood in the light of what the participants said about the way civic education is approached in their own countries. The difficulty of international comparisons and the incomplete nature of the information gathered does not make it possible to give a systematic account of civic education in Europe. We will therefore simply present some of the lines along which the responses were lay. They should be understood in relation to the organisation of the school and its functioning, for example according to the degree of autonomy establishments enjoy, the more or less centralised nature of syllabuses, timetables and teacher-training and the intensity and nature of collaboration with parents.

As far as teaching proper is concerned, two preoccupations repeatedly arose: knowledge about political institutions as necessary to the education of the citizen, and the transmission of values as necessary to life in society. From this derived a fear of formalism, of civic education too much reduced to learning about the political system and vague learning about values which it is insufficient to simply state or learn. This confirmed the agreement that civics should both build up knowledge and values and stimulate the intelligent questioning of social and, particularly, school life.

We have already seen that civics is taught in varying forms and under various names. This is especially true in many countries where the situation is fluid, notably in Eastern Europe. In Romania, one hour a week is devoted to civic culture for two years

(13-15); in France, it lasts four years and is called civic education (11-15). In Germany, it varies from one Land to another, but is often a part of "Sozialkunde" or "Politik", while in Portugal, the approach is interdisciplinary from 13 to 16, teachers having at their disposal a total number of hours to be used as they see fit. When there is a specific school subject, there is a risk of formalism; when civics is regarded as everyone's business, there is a risk of not finding it at all!

Subject-matter varies from a strict definition of content syllabus concentrating on institutional political forms, to a place on a long, complex list including, for example, psychology and philosophy, as in the Czech Republic. When the syllabus is clearly defined it becomes reductive, when it is broader, it gives the impression of taking account of the complexity and vital issues of our time but also suggests more vague and abstract studies.

Everywhere the inadequacy and often the absence of specific teacher-training is bemoaned. Training usually focuses on traditional academic subjects, and on this basis, teachers are supposed to display competence in civics.

School life is a growing preoccupation everywhere, at least in theory. Pupil participation is called for, organised and developed, but everyone regrets that it is so difficult both to build up the abilities pupils need and make adults accept what students have to say, and the possible questioning of power relationships and authority which might result.

Finally, there is universal agreement about values. But, beyond this agreement, it is not always easy to embody them or express them clearly, especially in pluralist societies where the diversity of references, memories, and ethical systems sometimes makes stating them, and still more their transmission, a source of conflict. Yet it is essential to find a set of common references to serve as the basis for the free negotiation of the rules of community life and to preserve individual freedoms. Human rights will obviously provide the basis of this system.

HUMAN RIGHTS AS THE BASIS OF CIVIC EDUCATION

From a European standpoint there is no need to enter into a long justification of this. The question will arise again when we discuss identity and citizenship. Here, let us simply state the principle that above national legal systems there is a European system based on the European Convention and it is therefore the Convention, its content and principles, which is the common basis for civic education in Europe.

Human rights are a complex set of principles, rules and propositions constantly under review; and it is the permanent debate about human rights, their definition and application, which is the proof of their relevance and dimension. They are an on-going process of social construction. We will limit ourselves here to formulating thirteen propostions which serve as starting-points for debate; they are complementary and of equal importance.

1. Man, the human being, is the purpose of society; this means that the principle of security must be understood as the rejection of torture and any assault on physical integrity. This "faith" in human dignity will be justified differently according to individual religious, or indeed atheistic or materialist, references, but it is this faith which enables people with different beliefs and philosophies to meet on common ground.

2. Man is both the source and the beneficiary of law. It is man, each individual, who makes law, respecting principles which have been the subject of rational collective debate. This is a considerable historical reversal: it does not prevent values being based on individual beliefs but invites everyone to respect this common position.

3. All men are equal before the law; in other words, the rights set forth are valid for everyone without privilege or discrimination. Legal equality is not the same as social equality.

4. Individual freedom is an essential value. Everyone is involved in the law-making process so that everyone is in a position to exercise this freedom.

5. The safeguarding of rights is linked to the individual's participation in the wielding of political power, either directly or through representation. There is a sort of moral obligation here connected to point 2, the moral obligation to participate in law-making and therefore in politics.

6. Civil and political rights, which are freedom-related are inextricably linked to economic and social rights, which are obligation-related. The former are the precondition of the definition and application of the latter. Economic and social rights are limited by the economic and social possibilities of the societies in which they are applied; they are part of the problematics of the state. There must be public debate and therefore civil and political rights must be effective, to allow a choice to be made among the various obligations. (Let us emphasise here the importance of the concept of human dignity as stated in the Universal Declaration of 1948 as an expression of this inalienable right; human dignity requires that the individual be guaranteed adequate living conditions, both material and social and that fundamental freedoms be respected.)

7. Human rights present a great democratic challenge by saying that man has rights and powers against the State and against the authorities themselves.

8. They provide a means of analysing, judging and evaluating social situations and are thus a vital political tool.

9. They involve the settling of conflicts without destroying the adversary. This excludes barbarism, terrorism and totalitarianism. Human rights set humanity against barbarism.

10. Human rights are the junction of the moral and the legal, between the rights which govern power realtionships and the duties which express moral requirements. They are, therefore, values.

11. Human rights provide the framework for public debate about societies and man. They express a minimum acceptable standard. Some people complain they are too abstract, but this is in fact a strength since it leaves room for debate, initiative and invention; they are general, universal statements.

12. They provide the necessary basis for a moral and practical consensus in what is becoming a global society in which exchanges are multiplying rapidly.

13. Human rights are the affirmation of the value of discussion based on argument, critical analysis and free confrontation. It is one of the (fragile) strengths of democracies that they make conflict an instrument of social dynamics, not by seeking or imposing consensus at all costs, but by constantly making compromises to enable people to continue to live and function together.

This long list provides the outline of an open and dynamic understanding of human rights. But we must not be naive. In the real world there is constant conflict between human rights and realilty; this is true of the very idea of law, which exists only to settle disputes. Law also makes it possible to identify areas and subjects of conflict.

IDENTITY, CITIZENSHIP

Madame Jacqueline Costa-Lascoux introduced the first day's theme and began by emphasising that identity and citizenship are two key-concepts of civic education. Each covers three different types of meanings: that which is imposed and attributed, that which is built up and that which can be changed.

- That which is imposed is what each person receives at birth, what is transmitted to him: the registration of his birth; parents, origins, family ties: name, forenames, religion etc - an assemblage of prescribed and constraining factors. We must remember that everyone, even an emigrant, is the citizen of a given country; generally, he becomes part of a socio-political group, a history, a set of allegiances.

The school has a duty to respect this identity and to show the child that it is his as of right; it has a duty not to discriminate.

- What is built up brings into play relationships with others, the acknowledgement of other people's existence, the other's acknowledgement of each person's identity. An identity is forged and values are acquired. One is born a citizen, but this citizenship must be built up to become a citizenship which is exercised, the citizenship of a subject who discusses, expresses himself and acts.

The school must work with the rest of society within the framework of a principle accepted by everyone in democratic societies, that everything must be done to provide equality of opportunity.

- What can change really exists. One can change one's identity, citizenship and name.

It is useful to distinguish between these three aspects with pupils and to think about their meanings. There are changes that are chosen and changes which are imposed, such as those caused by colonisation.

There is, therefore, a plurality and relativity in the ideas of identity and citizenship. But plurality and relativity are always present at both individual and social level. The existence of these two levels produces frequent contradictions between the individual and society which can be seen, for example, in the different traditions which refer to individual, personal rights or community and collective rights and the rights of minorities. At the social level there is a superposition of collective identities: national, regional, denominational, linguistic, supra-national. Citizenship is also expressed on different planes: local, national, European. It involves participation and representation. There is also a plurality of origins, membership of different groups, modes of participation. The school population is extremely heterogeneous and has a plurality of references. There is therefore a serious risk of authoritarian acculturation. The desire for equality comes up against social violence and antagonism.

Certain tools are necessary and useful for working with these two ideas, but their use sometimes produces perverse effects. It is therefore essential to be aware both of their necessity and usefulness and of the risks involved. Two examples will be given: law and the teaching of values.

Law. Everyone (or almost everyone) agrees that human rights should be taught. But while consensus is possible in the abstract, in practice there is always conflict. A knowledge of law and institutions is indispensable for this, but it is often difficult to transmit it in such a way that it does not seem to be "tacked on". What can one say about tolerance and the right to freedom of expression when faced with the Rushdie affair? What is the place of sexual equality when faced with polygamous families? How is one to react to parents who do not want their children to attend certain classes (sport and biology, for example). How can these situations be dealt with without denying responsibility, a neocolonial form of tolerance or voluntarism? We must not be afraid of legal texts and should be wary of the dangers of formal democracy.

Values. "French-type" secularism is entirely reconcilable with human rights. In France, citizenship and nationality are closely linked by a conception which defines the nation as the expression of a voluntary political bond between people. But this conception is too culturally marked to be exportable. Yet, here too, agreement can be reached in favour of non-discrimination or the struggle against racism, but the means will be very different in different countries. For example, in France religious education can only be the result of free choice, otherwise it would be an infringement of liberty; carrying an identity card, on the other hand, seems quite natural, whereas elsewhere it would be considered an infringement of liberty. We are always caught between the risk of simplistic moralism and ethnocentrism; How do we deal with multiculturalism? minority rights? The very idea of minorities requires examination: for example, what about national minorities? Is there a right to self-determination? For whom? To what end? Is it based on language? Would it include the rights of poor ghettos?

We must look critically at our reference systems and what they are based on. Migration and increasing contacts between people from different cultures require that we examine these references. All this requires the study of memory, points of reference, common values, the meaning of plurality and relativity. This transition to plurality takes time. The critical mind must take on a memory and build it up with others. What is/are the symbolic frame(s) of reference? What are the institutions? rights? remedies? What means are there of resolving conflicts? What is the place of the European Convention?

Faced with the enormity of the task in this period of crisis, the fundamental need is for the definition of a common action programme. The debate has brought out a number of principal approaches:

- The need to clarify basic concepts. The debate here comes up against two contradictory stumbling-blocks: the hope of total clarification and the maintenance of vagueness and the implicit. Total clarification is illusory, and even dangerous, because the most important concepts, such as those under discussion - identity and

citizenship - have different meanings according to the culture, the national, political and legal traditions concerned and according to the field in which they are approached - law, sociology, economics, geography, history, political science - because these concepts are caught up in the dynamics of history and their meanings and uses have to change and evolve. It is through this change that the creativity of our societies is manifest. Taking into account the steep path to be climbed, a number of broad lines have been identified;

- the complexity of identity, which has to be thought through from the psychological to the social and national level enables the struggle between the psychological and public levels where the concept of identity joins that of citizenship to be acknowledged. This opposition and the relationship between the two concepts is manifest in the anxiety they cause in many European countries;

- the European perspective makes a clarification of the idea of European citizenship and identity an urgent need. They are sometimes asserted in oppostition to national attachments, but the inherent character and richness of each culture must also be preserved. Is European identity also to be defined in terms of inheritance? Whatever the approach, account should be taken of the risk of excluding those who live in Europe but come from elsewhere;

- in our pluri- or multicultural societies agreement on basic values is at once more necesary and more difficult. We have seen this with human rights. But, here again, the particular situation in each state complicates the development of a common approach. Thus, institutional changes in Belgium define a Belgian citizenship distinct from belonging to the Flemish or Walloon community.

- citizenship is a political concept. It refers to the rights and duties of the individual participating in a political community. There can be no European citizenship without particular rights, and therefore powers, defined at European level. The European Convention is the best framework

we have at present to approach such citizenship. This idea will be developed later. Citizenship also defines a means and a requirement of participation in democratic political life.

- We must constantly deepen these key-concepts, at the same time developing, even in some cases instituting a form of training for citizenship, making it the forum for the discussion of identity. It is helpful to take the different scales immediately into account, from the local to the national, and link them together, thus breaking with traditional approaches which reserve the study of the local to the youngest children and broaden the horizon with age. This concentric tradition too easily denies the links between the local and other levels and disregards the information pupils receive about the world as a whole. The importance of case studies was reaffirmed on two conditions: the relationship with other levels of power and other places

should be demonstrated, as we have just said, and we must always go beyond the particularities of the particular case to the general in order to allow the pupils to conceptualise. It is our role as teachers and trainers to provide learning situations which favour abstraction and conceptualisation and not to believe they will happen spontaneously.

The individual dimension was also stressed: it concerns, for example, the question of attitudes to others. Tolerance and non-discrimination are objectives everyone accepts, but it is important to be aware of certain obstacles and possible dangers or undesirable effects.

SCHOOL LIFE

The building up and transmission of knowledge and values is the first pillar of civic education; school life is the second. Pupils' daily experience of communal life with each other and with adults at school (as well as adults among themselves) is an indispensable context for the development and application of civics. But although ideas of student participation and responsibility are becoming widespread throughout Europe their practical application is still a very complicated affair. School life is a focus for all the tensions and contradicitions of civic education even more than a place where knowledge and values are passed on.

What balance can be struck between obeying school rules and voicing criticism, as a means of changing those rules both under the pressure of events and with ever closer reference to human rights? How are the pupils' opinion to be treated, when they must be at once accepted as legitimate and situated in a learning process? How can debate and dialogue be organised between the pupils and the various groups of adults - teaching, administrative and ancillary staff - when their institutional and legal situations are different? To what decisions, and thus what actual exercise of power, can the dialogue between the various groups lead? How can one avoid confining the experience of school life to the particular events that take place there, and make the experience a means of building and applying knowledge and values? How can pupils be encouraged to take an interest in the life of the school and so trained to be active in society in the future?

Mr Tulaziewicz opened the day devoted to this theme by recalling the classic distinction between civics as the passing on of information, and civics as a means of guiding thought while leaving room for freedom. The educational approach is much more difficult, but necessary if pupils and students are to be prepared for life in society. In particular, living in a democratic society means learning to negotiate, knowing about the activities, actions and decisions which can bring about change and improvement. Civics is thus a means of socialisation. It is traditionally so in many countries which have put it on the school curriculum. But today the task is far more difficult, because children must be socialised and educated in relation to Europe, and even to the whole world, no longer simply in relation to a particular country. The development of European societies, marked particularly by the crisis of the welfare state, the migratory movements which are accentuating the heterogeneity of cultures and references, the awareness of ecological problems, the increase in discrimination and exclusion, the growth of violence in social relationships, especially among the young, all make it more urgent to establish a form of civics which is not reduced to its cognitive aspect but offers pupils a real possibility of civic experience. Civic experience in the day-to-day life of the school is a means of building up social skills.

These questions having been asked and this social environment outlined, the greater part of the day devoted to school life dealt with the development of democratic attitudes and learning the rules of community life in the school, and training strategies for teachers. Rather than reaching any conclusions, the participants identfified several areas to be explored in greater depth as contributing to the enrichment of the civics syllabus in Europe.

Learning the rules of school life and the democratic functioning of the school. Here again, more than elsewhere, we find a range of situations in different countries and different schools. Whatever the legal framework in which establishments function - public (state, regional or municipal), private (denominational or non-demonitational) - the individual school always has some initiative, often a great deal, in the organisation of school life. Three areas of participation can be distinguished:

* The classroom, the setting for teaching proper where the school performs its primary function of passing on knowledge, know-how and attitudes. There are many possibilities for developing democratic aspects: providing pupils with sufficient information about teachers' intentions and expectations, criteria and methods of assessment and ultimately guidance respect for what pupils have to say, etc. Such attitudes concern teachers of all subjects but it is certainly in civics classes, where they exist that pupils can best be introduced to the rules of debate and the reasoned confrontation of arguments and ideas, and where the experiences of school life can be gone over so as to enable pupils to build up knowledge and acquire values.

* The day-to-day life of the school, in other words everything that happens outside actual classes. The life of the establishment is regulated by rules that everyone must respect and procedures for the resolution of conflicts. Schools are under a practical and legal obligation to establish such regulations. Their framework is more or less centrally defined, but there is a universal trend towards pupil involvement in the process. This is done by establishing class committees and administrative boards on which there is minority pupil representation, pupils being elected to them by their peers. Practice has shown that there is a risk of the system operating only formally, with token representatives; change is very slow but on the whole positive. Too often, however, pupils do not exercise their rights properly and feel removed from decision-making. Many suggestions were made to alleviate these problems, based on different experiences;

- encouraging adults to attach real value to the various committees because their credibility value depends on the adults' attitude,
- making regulations, if not transparent at least understandable, particularly by explaining them to pupils, even drawing them up with pupils;
- organising training for the elected pupils in the school, particularly for the youngest ones,
- setting aside time for discussing the life of the school,
- finding out what is being done in other schools or other countries. In some German schools, for example, pupils choose a "teacher-advocate" to facilitate dialogue and understanding and undertake their defence if necessary.

However, pupils will not be "active citizens" unless the teachers are autonomous and responsible themselves.

* A third area is the extra-curricular activities offered by the school outside school hours, such as the European clubs in Portugal. They offer valuable opportunities for enabling students to take responsibility and develop and carry through projects, and for opening the school up to the outside world in a more systematic way than is possible in current affairs classes.

Teacher training. Constant thought was given to teacher training at the seminar but it was especially in relation to school life that its vital importance and the problems involved were most apparent. That is why we approach this fundamental question through school life. We mentioned in the first part of this report that teacher training in civics is inadequate in most countries. This is probably the result of the continuing uncertain status of the subject in schools and the fact that in universities its content is not presented under one simple label. It touches on many areas including political science, private and public law, sociology, economics, international relations, not forgetting references to history and geography, all of which produce a problematic mixture of multifarious ingredients which it is difficult to sift and define clearly. To these problems must be added the need for training which is not simply geared to theoretical knowledge in certain fields but will enable the civics teacher, and all teachers, to confront the issues concerning school life outlined above.

Teacher training should focus on an awareness of the particular difficulties civics presents, from the point of view both of knowledge and of school life. Teachers need to be very aware of exactly what the democratic approach is and the difficulties it involves, and to be fully versed in the formative aspect of their task, and must learn to seize opportunities for working with pupils on the development of democratic attitudes. Priority must be given during training to active methods which give an introduction to team work, developing projects, organising trips and any activity opening the school up to the outside world, perceiving conflicts and ways of resolving them. Many would like training not to be limited to teachers but to be open to other staff, particularly heads.

The participants from Eastern European countries expressed a desire for real solidarity on the part of their colleagues in the West, a solidarity that could be based on initiatives that we would like to see mulitiplied in the Council of Europe.

THE EUROPEAN CONVENTION

AN OBSERVATION :

Despite Recommendation R (85) 7 adopted by the Committee of Ministers of the Council of Europe on 14 May 1985 andendorsed repeated by many governments, the European Convention on Human Rights and Fundamental Freedoms is rarely studied in schools; indeed it is not even mentioned as a subject to be studied in many countries. In fact it is not only absent in schools: many citizens, residents of member countries of the Council of Europe are ignorant of their rights vis-à-vis national courts. The press too rarely reports the decisions of the European Court at Strasbourg. We might add that lawyers have often been ignorant, sometimes deliberately ignorant, of the existence of the Convention and the appeal machinery it provides.

For their part, few teachers have had any legal training at all. They do not feel at ease studying the text with their pupils. This is equally true of other international and even national texts of law, and the difficulty involved in studying them or even taking them into account is aggravated by the age of the pupils with whom we are concerned.

There are a number of prerequisites for such study, for example:

- a knowledge of the workings of the legal system of one's own country
- some knowledge of international law (eg the difference between declaration and convention, the system of reservations), signature, ratification
- keeping up-to-date with human rights questions and their development.

The Convention, the "major opus" of the Council of Europe, is the most complete example of an international text on the effective protection of human rights. It suffers however, from inadequate dissemination and is therefore little known by the general public. Despite all efforts, the Council of Europe is less well known in its member countries than the EEC institutions. But even this knowledge is often very limited: the Luxembourg Court, for example, is hardly known at all outside legal circles.

A RESOURCE

The participants regarded study of the Convention as essential. It is a reference document for a Europe under construction and in search of an identity based on a set of common values. The Convention embodies the common constitutive tradition of the member countries of the Council of Europe and is part of the European humanist tradition. It has its origins in the eighteenth century inheritance common to all European countries, transcending their diversity and specific features.

The participants from Central and Eastern Europe told us that during the dictatorship, human rights and related issues were constantly talked about.

The protection and development of human rights are means of achieving "greater unity" between the members of the Council of Europe (Preamble to the Council's Statute). Thus the Convention refers to "democratic society" and "democracy" (Preamble, arts. 8, 9, 10, 11 and Protocol No. 4, Art. 2). Although the Convention itself does not define the term "democratic society", the case law of the European Court defines the content and lays down the broad principles on the basis of particular cases: pluralism (for example, freedom of opinion, information and election), tolerance and openmindedness about how our societies are to react to new problems (protection of private life, technological progress, etc).

A democratic society cannot exist without debate: people often complain of the qualitative and quantitative inadequacy of forums of debate; the "judicial platform" seems to be spared this criticism: the "trial" today remains an opportunity for debate "on equal terms" within a framework of rules. The Court's judgments must be given real effect in the institutions of each member country; the principles laid down in the Convention (the obligations accepted by countries when they ratified the Convention) thus become realities in everyday life. The legislation of member countries of the Council refers more and more often to the Convention. Mr Neville quoted several examples of this alignment of national legislation.

Another consequence of the Convention is that member states are gradually becoming more subordinate to supranational rules about criminal policy, for example (although countries retain some room margin of discretion).

Today, the private individual enjoys rights and guarantees formulated on a European level that he can rely on in national courts.

The European Convention has contributed greatly to giving the idea of Europe an ethical dimension: opposing the Europe of merchants denounced by some, are the "bricks and mortar" of a democratic Europe (27 countries so far), viz human rights and respect for fundamental freedoms. The Council of Europe can serve as the crucible of a future European confederation, whatever political form it may take. In a way, law is an effective means of integration (bringing different legal systems closer together).

The Convention is also a frame of reference for pupils. They usually regard law as normative, frozen in time, removed from everyday life. This image can be changed by studying the Convention, a text ceaselessly enriched and revised (9 protocols) and giving better protection (improvement of the machinery of protection), a Court that can hear the individual concerned, an individual who will soon be able to refer a case to the Court (Protocol No. 9). Law is alive in the case law of the Court (since 1959).

THE CONVENTION AND HUMAN RIGHTS

It is also and above all a reference instrument for the effectiveness of rights; in the face of impotence, non-respect and violations, the machinery in place for the application of the Convention gives a "positive" image: a state can be found guilty by the Court.

The Convention of 1950 gives effect to the civil and practical rights proclaimed[3] in 1948 in the Universal Declaration. For a long time international law ignored the individual (with a few exceptions)[4]. The Convention provided protective machinery accessible to the individual (Art. 25) under certain conditions. It provides for judicial supervision of the application of its provisions (The American Convention of Bogota, 1969 adopted the broad lines of the machinery).

Mr Neville presented the three phases of the procedure (see figure 1):

- the admissibility of the complaint: the Commission (rigourously) filters complaints received,

- attempt at reconciliation between the parties with a view to a friendly settlement (role of the Commission),

- the merits are considered either by the Committee of Ministers (political body) or the European Court (especiallly in complex and delicate cases).

More than simply offering law solutions on case law, the procedure affirms the rule of law in the search for a settlement to a dispute. The principle of the rule of law is stated in Article 3 (Statute of the Council) and in the Preamble to the Convention. The primacy of law is explicit in several of the Convention's provisions:

. the principle of the lawfulness of offences and penalties

. the principle that criminal laws may not be retroactive

. the principle of the possibility of apeal

. the right to a fair trial

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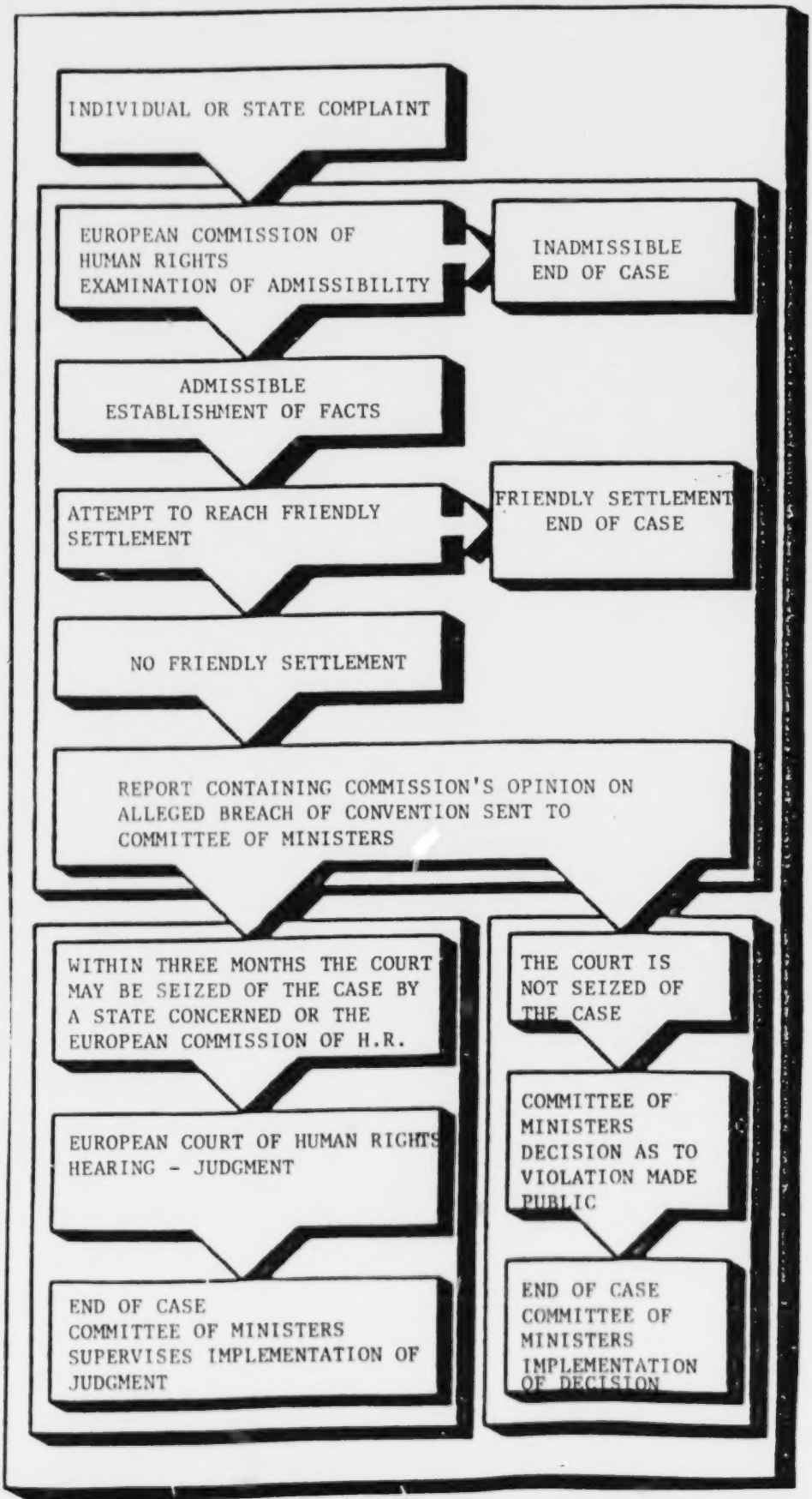
[3] For social and economic rights, see the European Social Charter (1961).

[4] The League of Nations provided for a system of petitions (central European minorities).

Figure 1

HOW THE HUMAN RIGHTS INSTITUTIONS WORK


INDIVIDUAL OR STATE COMPLAINT
EUROPEAN COMMISSION OF HUMAN RIGHTS EXAMINATION OF ADMISSIBILITY
INADMISSIBLE END OF CASE
ADMISSIBLE ESTABLISHMENT OF FACTS
ATTEMPT TO REACH FRIENDLY SETTLEMENT
FRIENDLY SETTLEMENT END OF CASE
NO FRIENDLY SETTLEMENT
REPORT CONTAINING COMMISSION'S OPINION ON ALLEGED BREACH OF CONVENTION SENT TO COMMITTEE OF MINISTERS
WITHIN THREE MONTHS THE COURT MAY BE SEIZED OF THE CASE BY A STATE CONCERNED OR THE EUROPEAN COMMISSION OF H.R.
EUROPEAN COURT OF HUMAN RIGHTS HEARING - JUDGMENT
END OF CASE COMMITTEE OF MINISTERS SUPERVISES IMPLEMENTATION OF JUDGMENT
THE COURT IS NOT SEIZED OF THE CASE
COMMITTEE OF MINISTERS DECISION AS TO VIOLATION MADE PUBLIC
END OF CASE COMMITTEE OF MINISTERS IMPLEMENTATION OF DECISION

From another point of view, the states must not simply respect the Convention's provisions, but also implement them; they are "positive obligations". Two examples: a fair trial presupposes the existence of a legal aid system and provision for translation; the state must make the right of investigation effective.

In western societies, there is a pressing demand for law which corresponds to a need for security and freedom. But the law needs to be more accessible to everyone; the rule of law should be taught as well as published. Rules and laws must be "interiorised" before being used by pupils and individuals. But there are pedagogical problems: how is the text to be studied in class?

SUGGESTED APPROACHES

Recapitulation:

Generally the study of legal texts, particularly international ones, creates many problems. The Convention is a difficult text in many respects: the language used is often abstract or technical; it refers to concepts not defined by the Convention - for example, the right to life, the distinction between inhuman and degrading treatment, etc; some expressions must necessarily be clarified by (and often for) the teacher, for example, hearing within a reasonable time, effective remedy, all domestic remedies have been exhausted. Some key articles, such as Article 15 which enumerates the inalienable rights of every human being, "the hard core", are difficult to understand.

One of the participants suggested rewriting the text. The question remained open because we were caught between the risk of lack of understanding, leading to rejection, and the risk of producing a travesty. For example Article 15 could be rewritten with no great difficulty, but existing examples of the rewriting of international texts are not reassuring. Some important concepts and formulations are invariably ignored. We must not forget that the texts are the outcome of lengthy discussions during which every word and every expression has been discussed and weighed up; their form matches their content. Finally, the texts are authoritative in the form which they have today or with any subsequent modifications. It is they, therefore, that must be presented to pupils.

Another problem is the length of the Convention, which comprises 66 articles and more than 9 protocols. It would be impossible or even wrong to study it all (the trap of legalism). Studying the text systematically, article by article, would be ineffective if not impossible. In fact it can be studied only after "reconstruction" by the teacher (see below). The technical nature of the progress of a case requires the use of a diagram, even a simplified one, either built up in class or employed as a reference.

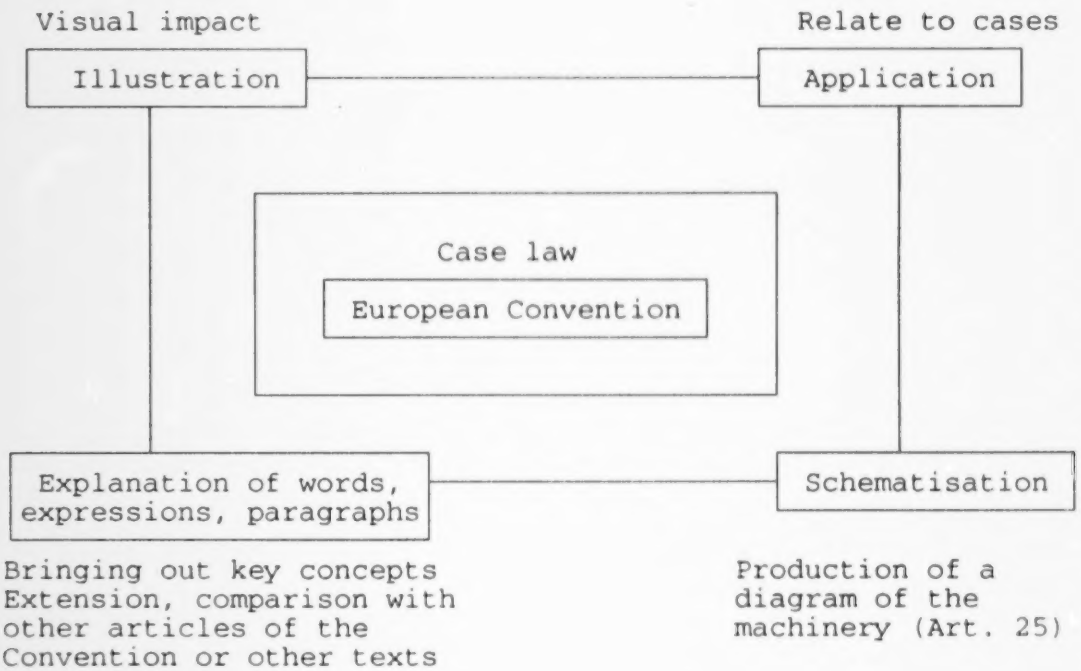
A few suggestions :

How can pupils best study the Convention? What teaching aids might be useful?

We suggest the following approach. Studying the Convention requires first that it

be "reconstructed" in other ways. The aim of this exercise is to relate the provisions of the Convention (selective analysis of content) to their practical application (that is, the will to tackle something complex). Then one proceeds either deductively or inductively. Deductively, starting from an abstract text, a few articles, so as to "clarify" it in the light of "reality"; inductively, starting from an actual case[5] heard by the European Court and using various materials - press cuttings, film, video, etc - to permit reference to the Convention and the relevant provisions. This would bring out the major principles of the Convention.

These two approaches suggest several types of work which are shown in the figure below. They are not mutually exclusive and all interact with each other.



. **Explanation of words, expression, paragraphs.** Examples: study of an article of the European Convention or of an extract from the report of a case. In fact, this type of work is indispensable whatever the approach; comparison with other texts (the Universal Declaration, other conventions) shows how more and more rights are gradually being protected.

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[5] Showing the videos brought out the various possibilities: some deal with a case from beginning to end, others give a systematic presentation of the organs (Commission, Court, etc) and illustrate their functions by briefly going over a few cases. The approaches are complementary.

. **Illustration:** "clarify", "make a visual impact". Depending on the teaching aid used (text, film or video) an abstract text or the machinery is illustrated by facts (examples drawn from case law) or mental images. The Council of Europe's Human Rights Album (1992) is designed according to this principle: the content of the Convention, the rights and freedoms, are illustrated with watercolours. Another example is the film "Fréquence 89: droits de l'homme" (Council of Europe, 1990). It is extremely difficult to illustrate the principles of human rights which are necessarily universal and abstract.

. **Application:** how can justice be obtained? The application and use of the text to obtain justice are demonstrated by looking at a particular case, going back and forth between the Convention and the case itself.

. **Schematisation:** here the text and/or its application is expressed in the form of a diagram. There are several possibilities: taking an actual case the different phases of the litigation can be reconstructed, the parties, the procedure, etc; starting from the complete text, a diagram can be built up of the the machinery showing on the principles and provisions involved and the different phases; the content and protection of rights are dealt with.

An example: Study of the case of Tomasi v. France (August 1992).

. Materials: article from Le Monde, 29 August 1992 and Articles 3, 5 and 25 of the European Convention (appended).

. Procedure: ask pupils to read the text and pick out any words and expressions they do not understand. Experience shows that these tend to be: police custody, remand in custody, accused, acquittal, assize court, request for release, physical integrity.

. The pupils' work is guided by a questionnaire. It distinguishes between the reconstruction of the facts and an analysis of the judgment:

The facts: who are the parties? Bring out the conflict between an individual and the state: what is Mr Tomasi's complaint against the state? Was Tomasi tried in France? If so, by which court? Situated this within the diagram of the administration of justice in France. Was Tomasi deprived of his liberty before being tried? If so, for how long? Is it lawful to deprive someone of their liberty before they are tried? According to the text, what argument might the authorities have given? What did Tomasi do during his detention? To which institution did he bring his case?

--> Presentation of Article 25. Does Tomasi fill the necessary conditions? Were they respected? - Any person - applicant's interest in acting: Tomasi believed he was the victim of a violation of rights - available remedies exhausted.

The decision: who made the decision? What was it? On which text did the Court base its decision? What evidence did the Court take into account? Did Tomasi obtain compensation?

--> activities: reconstruct the chronology of the case emphasising the date on which it began and the date of the Court's judgment (make a simple diagram)

--> reminder of the role of the Court.

--> possibility of comparison with other reference texts such as the Universal Declaration of 1948, The Covenants, the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, etc.

--> possibility of seeking other remedies. For example, optional Protocol to the International Covenant on Civil and Political Rights (UN)

Conclusion: Bring out the principles of justice and law.

Another example suggested at the seminar (see appended document):

Participants suggested work in small groups (lasting 2 or 3 hours) with the teacher playing the role of "expert". The work on worksheets is followed by a debate whose aim is to highlight the conciliatory role of the Commission in its mediation between the complainant and the state. Projection of the video (17') entitled The Council of Europe and the Convention; worksheet 3 can be used for self-evaluation.

Human Rights
The European Court Finds France Guilty
of Ill-Treatment and Wrongful Imprisonment

On Thursday 27 August, the European Court of Human Rights ordered France to pay a million francs to a French citizen who had accused the police of ill-treating him when he was in custody and complained of the excessive length of time he spent on remand.

Félix Tomasi was arrested in March 1983 at Bastia (Corsica). He was suspected of involvement in a murder committeed a year earlier by the ex FLNC (Corsican National Liberation Front) and was placed in police custody for 48 hours before being charged and then placed on remand until his acquittal by the assize court of the Gironde in October 1988. During his detention, which lasted five years and seven months, Tomasi made twenty-three applications for release, all of which were rejected. He took his case to the European Commission of Human Rights in March 1987.

In its judgment, the European Court found "unanimously" that three articles of the European Convention of Human Rights had been violated, notably Article 3 which stipulates that "No one shall be subjected to torture or to inhuman or degrading treatment or punishment", and Article 5 which states that any person detained is "entitled to trial within a reasonable time or to release pending trial".

"The medical certificates and reports ... attest to the large number of blows inflicted on Mr Tomasi and their intensity," while he was in police custody, said the court, adding: "these are two elements which are sufficiently serious to render such treatment inhuman and degrading". For the European Court, "the undeniable difficulties" involved in the struggle against terrorism "cannot result in limits being placed on the protection to be afforded in respect of the physical integrity of individuals".

Tomasi had asked for more than 3 million francs in damages and costs.

Le Monde, Saturday, 29 August 1992

Article 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

a. the lawful detention of a person after conviction by a competent court;

b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

c. the lawful arrest or detention of a person effected for the pupose of bringing him before the competent legal authority or reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition;

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1.c. of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 25

1. The Commission may receive petitions addressed to the Secretary General of the Council of Europe from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention, provided that the High Contracting Party against which the complaint has been lodged has declared that it recognises the competence of the Commission to receive such petitions. Those of the High Contracting Parties who have made such a declaration undertake not to hinder in any way the effective exercise of this right.

2. Such declarations may be made for a specific period.

3. The declaration shall be depositied with the Secretary General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties and publish them.

4. The Commission shall only exercise the powers in this article when at least six High Contracting Parties are bound by declarations made in accordance with the preceding paragraphs.

ex.1.[RIGHT VIOLATED] In 1989 the United States applied for the extradition of a German for murders incurring to the death penalty. He would then be held on "Death Row". Should the United Kingdom which was holding him agree to extradition?	SETTLEMENT OF CASE 1. The Court found that the United Kingdom would be held responsible for a violation of European law under Article 3.	Convention (Definition) Give 5 signatory states
ex.2. [RIGHT VIOLATED]	SETTLEMENT OF CASE 2	Copy the article of the Convention which justifies recourse to the Convention in the case studied.
ex.3. [RIGHT VIOLATED]	SETTLEMENT OF CASE 3	Make a simple flowchart from the applicant to the final decision, giving the names of the bodies which have dealt with the case.
ex.4. [RIGHT VIOLATED]	SETTLEMENT OF CASE 4	What was the function of the "Commission" What was the function of the "Court" What was the function of the "Committee of Ministers"? What was the outcome for the country?'

WORKSHEET 1: Distributed TO EACH GROUP. Presentation of 4 cases in which EUROPEAN CITIZENS went to the Council of Europe (see Vade-mecum of the Convention, particularly pp. 21, 22, 88, 89, 71). Pupils must analyse each case to identify which RIGHT in the Universal Declaration may have been violated and therefore justifies the complaint. Indicate the no. of the article concerned - choose one of the cases, write a letter for the applicant and send it to the appropriate body after studying section II

WORKSHEET 2: The groups then come back to the teacher who gives them worksheets 2 and 3. Worksheet 2: explain the decision reached by the Commission, the Court or the Committee. This worksheet can be accompanied by the organisation chart of the Convention (Court, etc.)

LAST TASK BEFORE THE DEBATE: WORKSHEET 3 IS COMPLETED IN GROUPS. the aim is to get the group to handle a difficult text and take the roles of the various institutions. FINAL DEBATE. Each group presents the case it has been working on. Comparison of final decisions. Note that of the Convention. Europeans have an exceptional right: the right to appeal to a supranational court.

CONCLUSIONS

Throughout the seminar, participants expressed with that there should be more opportunities for exchange and information like the week at Donaueschingen. The acceptance of differences, better knowledge of the traditions and cultures of others helps to develop tolerance and to construct a Europe strong in its diversity, richness and power to invent its own future. But we must at the same think more deeply about our common standards. Tolerance does not mean accepting everything and a common future can only be built on shared values. In the present state of European relations and co-operation, human rights as defined and put into practice in the European Convention, constantly restated and enlarged in additional protocols, provide this frome of reference. This means that civic education which seeks to include the European dimension must devote space to the study of the Convention. It provides the legal and ethical framework for organising and thinking about the relations between individuals, between people and the authorities, the resolution of conflicts. Of course, other approaches to European identity are useful and necessary, particularly historical and geographic ones. We did not have time to discuss them, but it would be useful to examine the relation between the different aspects. For the purposes of civics, the legal reference is the actual exercise of rights and powers and is thus indispensable to the definition of European citizenship.

The participants wanted the text to actually appear on the secondary school curriculum, where it does not already. The Council of Europe, with the help of national bodies, has much to do here in the way of disseminating information. The audiovisual material is particularly welcome, but needs to be accompanied by precise details of content, the authors' intentions, and possible teaching applications.

The seminar also enabled us to observe the similarity of the present questioning of our societies and education systems. None of our societies or schools can escape it: they must all be prepared to face the challenges of the future. We have mentioned some of them in this report. The civics syllabus we have talked about will be built up around them. It is in this difficult context that we again reaffirm the necessity of civic education. It must go beyond the mere transmission of facts and question the values it conveys and take responsibility for school life. Defined in this way, it is the concern of the whole school community, although it is desirable to have a specialist teacher for certain classes. But the school is not alone, and indeed it can only be effective if it is supported by families and other social institutions. Civics is everyone's responsibility.

RECOMMENDATIONS

that states develop schemes for the initial and further training of teachers in the field of civics.

that states include civics in the syllabus, curriculum and timetable;

that the Committee of Ministers of the Council adopt a new recommendation encouraging member states of the Council of Europe to make the study of the Convention compulsory in secondary schools;

that the Council of Ministers ask the states what they have done to make that study possible;

that the European Convention be translated into all the languages of the member states of the Council and thus widely distributed.

APPENDIX I

BRIEF QUESTIONNAIRE ON PERCEPTIONS AND OPINIONS OF CIVIC EDUCATION

This questionnaire has no scientific value; we reproduce it here as an example of how one might gather the opinions about civics of a group of teachers or trainers. The interest is not so much the answers collected as the feedback to the group of the answers it has given and the discussion thus engendered. It is an excellent starting-point for a training session; it quickly opens up the complex and diversified pattern of choices and perceptions.

I. Write five words or expressions you associate with the word CIVICS or the term CIVIC EDUCATION.

II. Write five words or expressions you associate with the word EUROPE.

III. Write five words or expressions you associate with the word RIGHTS.

IV. Here is a list of statements about the usefulness of civics.

Civics:

1. makes social life possible
2. trains good citizens
3. unifies the nation
4. encourages openness to other countries
5. passes on the values of the previous generation
6. defends values
7. clarifies the duties of the individual
8. combats violence in schools
9. prepares for the future
10. trains the critical faculty
11. defends the country's unity
12. other...

Choose the two with which you most agree and write their numbers in the boxes opposite

Choose the two with which you least agree and write their numbers in the boxes opposite.

V. Here is a list of statements about civics.

For you civics is:

1. knowledge about national institutions
2. the study of human rights

3. something that should concern the whole of society
4. the passing on of values
5. the study and explanation of current affairs
6. knowledge about the individual's duties
7. a subject which concerns everyone in the school
8. understanding society
9. knowledge about the rules of social life
10. the passing on of social attitudes and skills
11. the acquisition of some important legal concepts
12. knowledge about children's rights
13. other...

Choose the three which in your opinion most characterise civics and write their numbers in the boxes opposite

Choose the three which in your opinion least characterise civics and write their numbers in the boxes opposite.

VI. Here is a list of teaching methods for civics.

Teaching civics is:

1. analysing documents in class
2. getting pupils to participate in the life of the school
3. familiarising pupils with national political institutions
4. doing surveys
5. role playing
6. visiting political institutions
7. compiling files on subjects chosen by pupils
8. refusing to impinge on pupils' private lives
9. making charts illustrating the working of institutions
10. teaching pupils to analyse and resolve conflicts
11. studying the major international texts
12. studying primarily local institutions
13. studying current affairs through the press
14. involving pupils in the work of associations
15. teaching pupils the rules of democratic debate
16. other...

Choose the three which, for you, most favour good teaching and write their numbers in the boxes opposite

Choose the three which, for you, least favour good teaching and write their numbers in the boxes opposite.

VII. Here are some statements about assessment in civics.

Assessment in civics is:

1. testing pupils about specific knowledge
2. giving pupils a case study
3. observing pupils' behaviour in class
4. following the syllabus of a national exam
5. analysing extracts of international human rights texts
6. other...

Choose the reply that best corresponds to what you think is a good method of assessment and write the number in the box opposite

Choose the reply you think best corresponds to what you think is a bad method of assessment and write the number in the box opposite.

APPENDIX II

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS/TEILNEHMERLISTE

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